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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH A. McLEAN,

Plaintiff,

v.

DR. STEVE SHELTON; DR. DIEHL;
DAVID GILLIES; J. HUMPHREYS; JEFF
PREMO; E. SHAW; C. SHOTTS; LORETTA
ERVING; SUPERINTENDENT COURSEY;
MICHAEL GOWER; P. MAINE;
MARSHALL BUCHHOLZ; DR. HANSEN;
TED RANDALL; DEBRA GARDNER;
JOHN and JANE DOES 1-10, Oregon
Department of Corrections employees;
J. BARTON,

Defendants.

Case No. 3:11-cv-01535-AC

ORDER ON DEFENDANTS' MOTION TO
DISMISS DR. JOSEPH DIEHL AS A PARTY

This matter came before the Court on *Defendants' Motion to Dismiss Dr. Joseph Diehl as a Party* to this action filed on July 8, 2014. On April 1, 2014, Defendants filed a *Notice of Suggestion of Death* with the Court noting Dr. Diehl's death. (See Doc. #54.) Plaintiff did not file a Motion for Substitution within 90 days of the filing of that notice pursuant to Fed. R. Civ.

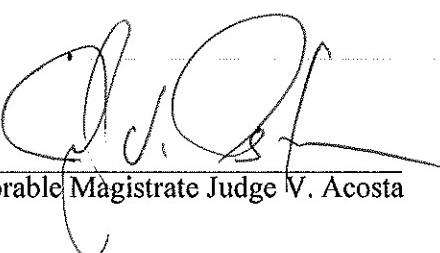
P. 25(a)(1). The Court being first fully advised and having considered the written arguments of the Defendants and the records and files herein entered the following order:

IT IS HEREBY ORDERED THAT Defendants' Motion to Dismiss Dr. Joseph Diehl as a Party is hereby:

DENIED

GRANTED, resulting in the automatic dismissal of Plaintiff's complaint as to

Dr. Joseph Diehl.
DATED this 1st day of August, 2014.



Honorable Magistrate Judge V. Acosta

Submitted by: Michael R. Washington
Senior Assistant Attorney General